

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

## ORDER

At Wilmington this 11<sup>th</sup> day of February, 2008, defendants having filed motions to dismiss the complaint (D.I. 90, 91);

IT IS ORDERED that:

1. Because matters outside of the pleadings were presented to the court in support of said motions to dismiss, the court will review the motions as ones for summary judgment pursuant to Fed. R. Civ. P. 12(b) and 56(b).

2. Briefing on these motions shall proceed in accordance with the following schedule:

a) Plaintiff shall file and serve a response to defendants' motions (including an answering brief and accompanying affidavits, exhibits, etc., if any) on or before **March 12, 2008**.

b) Defendants may file and serve a reply briefs on or before **March 26, 2008**

Sam L. Roberson  
United States District Judge